



**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

UNITED STATES OF AMERICA §
§
V. § **CASE NO. 1:05-CR-136(4)**
§
YONGUE JOHN GROGAN §

**MEMORANDUM ORDER ADOPTING
RECOMMENDATION ON MOTION TO SUPPRESS
CONTENTS OF INTERCEPTED COMMUNICATIONS**

Pending before the Court is *Defendant's Motion to Suppress Contents of Intercepted Communications* [Clerk's doc. #208]. The Court referred the motion to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for hearing and submission of a recommended disposition pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules for the United States District Court for the Eastern District of Texas.

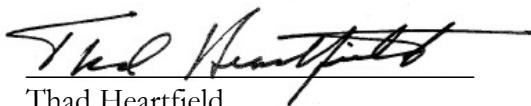
Having conducted the proceedings in the form and manner prescribed by the Federal Rules of Criminal Procedure, the magistrate judge issued his *Report and Recommendation on Defendant's Motion to Suppress Contents of Intercepted Communications* [Clerk's doc. #237]. Judge Giblin

recommended that the Court deny *Defendant's Motion to Suppress Contents of Intercepted Communications.*

Defendant filed objections to the magistrate judge's recommendation. *See Objections* [Clerk's doc. #239]. Pursuant to Defendant's request and in accordance with 28 U.S.C. § 636(b)(1), the Court conducted a *de novo* review of the magistrate's findings, the record, the relevant evidence, Defendant's specific objections, and the applicable law in this proceeding. After review, the Court is of the opinion that the *Report and Recommendation* [Clerk's doc. #237] should be accepted. Defendant's objections are overruled.

Accordingly, Judge Giblin's *Report and Recommendation on Defendant's Motion to Suppress Contents of Intercepted Communications* [Clerk's doc. #237] is **ADOPTED** by the Court. The factual findings and legal conclusions of the magistrate are therefore fully incorporated by the undersigned in support of this order. The Court **ORDERS** that *Defendant's Motion to Suppress Contents of Intercepted Communications* [Clerk's doc. #208] is **DENIED**.

SIGNED this the 24 day of May, 2006.



Thad Heartfield
United States District Judge